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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,511

Applicant(s)

SELIGMANN, DOREE DUNCAN

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the amendments/remarks filed on 05/16/2006. Accordingly, Claims 1-63 are pending for further examination as follows:

Claim Rejections - 35 USC § 102

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-11, 14-22, 36-48, 51-55 & 58-63 are rejected under 35 U.S.C. 102 (e) as being anticipated by Smith, Jr. [US 6836667].

As per claim 1, Smith teaches:

A method (Abstract) comprising:

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(a) Receiving (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43)

(i) A command from a mobile telecommunications terminal, (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43) and

(ii) The geo-location of said mobile telecommunications terminal; (i.e. GPS signal; Col.7; 32-43) and

(b) Determining whether to execute said command based on said geo-location of said mobile telecommunications terminal. (i.e. in Step S4 (Fig.6), based upon this received information, it is determined that a wireless mobile unit 410 has entered a region including a site associated with a category of information desired to be retrieved by the user of the wireless mobile unit 410 (a registered category associated with the wireless mobile unit 410; Col.7; 44-Col.8; 4))

As per claim 2, Smith teaches:

The method of claim 1 wherein the determination is also based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

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As per claim 3, Smith teaches:

The method of claim 1 wherein the determination is also based on the calendrical time at said mobile telecommunications terminal. (i.e. information (such as "sales" information) can be designated (determined) to be output based on "time of day". ; Col.9; 19-31)

As per claim 4, Smith teaches:

The method of claim 1 wherein the determination of whether to execute said command comprises determining whether said geo-location of said mobile telecommunications terminal is inside a perimeter. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 7, Smith teaches:

The method of claim 4 wherein said perimeter is based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 8, Smith teaches:

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The method of claim 4 wherein said perimeter is based on the geo-location at which said value is stored. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 9, Smith teaches:

The method of claim 4 wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

As per claim 10, Smith teaches:

The method of claim 4 wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said value. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

As per claim 11, Smith teaches:

The method of claim 4 wherein said command comprises writing a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (i.e. Initially, prior to step 2,

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a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

As per claim 14, Smith teaches:

A method (Abstract) comprising:

(a) Receiving (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43)

(i) A request from a mobile telecommunications terminal to access content, (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43) and

(ii) The geo-location of said mobile telecommunications terminal; (i.e. GPS signal; Col.7; 32-43) and

(b) Determining a version of said content to transmit to said mobile telecommunications terminal based on said geo-location of said mobile telecommunications terminal. (i.e. in Step S4 (Fig.6), based upon this received information, it is determined that a wireless mobile unit 410 has entered a region including a site associated with a category of information desired to be retrieved by the user of the wireless mobile unit 410 (a registered category associated with the wireless mobile unit 410; Col.7; 44-Col.8; 4))

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As per claim 15, Smith teaches:

The method of claim 14 wherein the determination is also based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 16, Smith teaches:

The method of claim 14 wherein the determination is also based on the calendrical time at said mobile telecommunications terminal. (i.e. information (such as "sales" information) can be designated (determined) to be output based on "time of day". ; Col.9; 19-31)

As per claim 17, Smith teaches:

The method of claim 14 wherein the determination of whether to execute said command comprises determining whether said geo-location of said mobile telecommunications terminal is inside a perimeter. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 18, Smith teaches:

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The method of claim 17 wherein said perimeter is based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 19, Smith teaches:

The method of claim 17 wherein said perimeter is based on said content. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 20, Smith teaches:

The method of claim 17 wherein said perimeter is based on the geo-location at which said content is stored. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 21, Smith teaches:

The method of claim 14 wherein a first version of said content is associated with a first medium, and wherein a second version of said content is associated with a second medium. (i.e.

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Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 22, Smith teaches:

The method of claim 14 wherein a first version of said content is associated with a first authorization category, and wherein a second version of said content is associated with a second authorization category. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 36, Smith teaches:

A method (Abstract) comprising:

(a) Transmitting from a mobile telecommunications terminal (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43)

(i) A request to access content, (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43) and

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(ii) The geo-location of said mobile telecommunications terminal; (i.e. GPS signal; Col.7; 32-43) and

(b) Receiving a version of said content that is based on said geo-location of said mobile telecommunications terminal. (i.e. in Step S4 (Fig.6), based upon this received information, it is determined that a wireless mobile unit 410 has entered a region including a site associated with a category of information desired to be retrieved by the user of the wireless mobile unit 410 (a registered category associated with the wireless mobile unit 410; Col.7; 44-Col.8; 4))

As per claim 37, Smith teaches:

The method of claim 36 wherein (b) is also based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 38, Smith teaches:

The method of claim 36 wherein (b) is also based on the calendrical time at said mobile telecommunications terminal. (i.e. information (such as "sales" information) can be designated (determined) to be output based on "time of day". ; Col.9; 19-31)

As per claim 39, Smith teaches:

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The method of claim 36 wherein (b) is based on whether said geo-location of said mobile telecommunications terminal is inside a perimeter. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 40, Smith teaches:

The method of claim 39 wherein said perimeter is based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 41, Smith teaches:

The method of claim 39 wherein said perimeter is based on said content. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 42, Smith teaches:

The method of claim 39 wherein said perimeter is based on the geo-location at which said content is stored. (i.e. determined whether or not the user has entered (or is proximate to) a site

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that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 43, Smith teaches:

The method of claim 36 wherein a first version of said content is associated with a first medium, and wherein a second version of said content is associated with a second medium. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 44, Smith teaches:

The method of claim 36 wherein a first version of said content is associated with a first authorization category, and wherein a second version of said content is associated with a second authorization category. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 45, Smith teaches:

A method (Abstract) comprising:

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(a) Receiving at a mobile telecommunications terminal (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43)

(i) A command issued by the user of said mobile telecommunications terminal, (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43) and

(ii) The geo-location of said mobile telecommunications terminal; (i.e. GPS signal; Col.7; 32-43) and

(b) Determining whether to execute said command based on the geo-location of said mobile telecommunications terminal. (i.e. in Step S4 (Fig.6), based upon this received information, it is determined that a wireless mobile unit 410 has entered a region including a site associated with a category of information desired to be retrieved by the user of the wireless mobile unit 410 (a registered category associated with the wireless mobile unit 410; Col.7; 44-Col.8; 4))

As per claim 46, Smith teaches:

The method of claim 45 wherein the determination is also based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile

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for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 47, Smith teaches:

The method of claim 45 wherein the determination is also based on the calendrical time at said mobile telecommunications terminal. (i.e. information (such as "sales" information) can be designated (determined) to be output based on "time of day". ; Col.9; 19-31)

As per claim 48, Smith teaches:

The method of claim 45 wherein the determination of whether to execute said command comprises determining whether said geo-location of said mobile telecommunications terminal is inside a perimeter. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 51, Smith teaches:

The method of claim 48 wherein said perimeter is based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 52, Smith teaches:

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The method of claim 48 wherein said perimeter is based on the geo-location at which said value is stored. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 53, Smith teaches:

The method of claim 48 wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

As per claim 54, Smith teaches:

The method of claim 48 wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said value. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

As per claim 55, Smith teaches:

The method of claim 48 wherein said command comprises writing a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

As per claim 58, Smith teaches:

A method (Abstract) comprising:

(a) Receiving at a mobile telecommunications terminal (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43)

(i) A request to access content issued by the user of said mobile telecommunications terminal, (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43) and

(ii) The geo-location of said mobile telecommunications terminal; (i.e. GPS signal; Col.7; 32-43) and

(b) Determining a version of said content to output based on said geo-location of said mobile telecommunications terminal. (i.e. in Step S4 (Fig.6), based upon this received information, it is determined that a wireless mobile unit 410 has entered a region including a site

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associated with a category of information desired to be retrieved by the user of the wireless mobile unit 410 (a registered category associated with the wireless mobile unit 410; Col.7; 44-Col.8; 4))

As per claim 59, Smith teaches:

The method of claim 58 wherein (b) is also based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 60, Smith teaches:

The method of claim 58 wherein (b) is also based on the calendrical time at said mobile telecommunications terminal. (i.e. information (such as "sales" information) can be designated (determined) to be output based on "time of day". ; Col.9; 19-31)

As per claim 61, Smith teaches:

The method of claim 58 wherein the determination of whether to execute said command comprises determining whether said geo-location of said mobile telecommunications terminal is inside a perimeter. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 62, Smith teaches:

The method of claim 58 wherein said perimeter is based on said content. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 63, Smith teaches:

The method of claim 58 wherein said perimeter is based on the geo-location at which said content is stored. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

Claim Rejections - 35 USC § 103

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

V. Claims 23, 26-28 & 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Massy et al. [US 20010004589].

As per claim 23, Smith teaches:

A method (Abstract) comprising:

(a) Transmitting from a mobile telecommunications terminal a command and the geo-location of said mobile telecommunications terminal (i.e. In Step S2 (Fig.6), information is received from a wireless mobile unit 410 (associated with at least one category of information), through a controlling base station and WSC 420, at location-based message server 450; Col.7; 32-43)

Smith fails to teach receiving a response to said command that indicates whether said command was executed or refused; wherein whether said command was executed or refused based on said geo-location of said mobile telecommunications terminal. However, Massy teaches in an analogous art, that one of: (b) Receiving a response to said command that indicates whether said command was executed or refused; wherein whether said command was executed or refused based on said geo-location of said mobile telecommunications terminal. (i.e. The mobile

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telephone preferably has the option, if the server sends it a recognized command, to accept or refuse execution of the command.; Pg.3; 0028) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Smith including receiving a response to said command that indicates whether said command was executed or refused; wherein whether said command was executed or refused based on said geo-location of said mobile telecommunications terminal in order to recognize a command and automatically dial a telephone number corresponding to the command or execute the action associated with the command.

As per claim 26, Smith teaches:

The method of claim 23 wherein (b) is also based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 27, Smith teaches:

The method of claim 23 wherein (b) is also based on the calendrical time at said mobile telecommunications terminal. (i.e. information (such as "sales" information) can be designated (determined) to be output based on "time of day". ; Col.9; 19-31)

As per claim 28, Smith teaches:

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The method of claim 23 wherein (b) is based on whether said geo-location of said mobile telecommunications terminal is inside a perimeter. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 31, Smith teaches:

The method of claim 28 wherein said perimeter is based on the identity of the user of said mobile telecommunications terminal. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 57-62)

As per claim 32, Smith teaches:

The method of claim 28 wherein said perimeter is based on the geo-location at which said value is stored. (i.e. determined whether or not the user has entered (or is proximate to) a site that is associated with (or that will act as a trigger for) a designated (registered) category of information for that wireless mobile unit 410.; Col.7; 44-57)

As per claim 33, Smith teaches:

The method of claim 28 wherein said command comprises accessing a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a

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plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

As per claim 34, Smith teaches:

The method of claim 28 wherein said command comprises accessing a value associated with a descriptor, and wherein said perimeter is based on said value. (i.e. Initially, prior to step 2, a user of a wireless mobile unit 410 registers for the service by designating one or a plurality of categories of information which he/she desires to receive. This can be done by configuring a user profile for storage in message server database 540; Col.6; 61-65 and Col.7; 44-Col.8; 4)

VI. Claims 5-6, & 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Elsey et al. [US 6801763].

As per claim 5, Smith teaches all the particulars of the claim except perimeter is based on the nature of said command. However, Elsey teaches in an analogous art, that the method of claim 4 wherein said perimeter is based on the nature of said command. (i.e. If there is only one such file, processor 301 automatically requests the directions file from directions server 145. If there is more than one as the user may have requested directions for different routes, processor 301 queries the user for the <route_id> file extension of the desired file previously provided to him/her by the operator.; Col.10; 1-32) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Smith including perimeter is based

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on the nature of said command in order to provide a technique for effectively providing a user of a communication device with information to his/her communication device.

As per claim 6, Smith teaches all the particulars of the claim except perimeter is based on the argument of said command. However, Elsey teaches in an analogous art, that the method of claim 4 wherein said perimeter is based on an argument of said command. (i.e. If there is only one such file, processor 301 automatically requests the directions file from directions server 145. If there is more than one as the user may have requested directions for different routes, processor 301 queries the user for the <route_id> file extension of the desired file previously provided to him/her by the operator.; Col.10; 1-32)

As per claim 49, Smith teaches all the particulars of the claim except perimeter is based on the nature of said command. However, Elsey teaches in an analogous art, that the method of claim 48 wherein said perimeter is based on the nature of said command. (i.e. If there is only one such file, processor 301 automatically requests the directions file from directions server 145. If there is more than one as the user may have requested directions for different routes, processor 301 queries the user for the <route_id> file extension of the desired file previously provided to him/her by the operator.; Col.10; 1-32)

As per claim 50, Smith teaches all the particulars of the claim except perimeter is based on the argument of said command. However, Elsey teaches in an analogous art, that the method of claim 48 wherein said perimeter is based on an argument of said command. (i.e. If there is

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only one such file, processor 301 automatically requests the directions file from directions server

145. If there is more than one as the user may have requested directions for different routes,

processor 301 queries the user for the <route_id> file extension of the desired file

previously provided to him/her by the operator.; Col.10; 1-32)

VII. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Drutman et al. [US 6618593].

As per claim 12, Smith teaches all the particulars of the claim except transmitting a signal directed to another telecommunications terminal. However, Drutman teaches in an analogous art, that the method of claim 4 wherein said command comprises transmitting a signal directed to another telecommunications terminal. (i.e. First and second locations 100 and 200 are preferably determined by GPS transceivers within the mobile communications devices.; Col.6; 26-42)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Smith including transmitting a signal directed to another telecommunications terminal in order to provide a system for matching users of mobile communications devices.

VIII. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Sorvari et al. [US 20040043758].

As per claim 13, Smith teaches all the particulars of the claim except determining, based on said geo-location of said mobile telecommunications terminal, whether to encode a first

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product of said command. However, Sorvari teaches in an analogous art, that the method of claim 1 further comprising at least one of: (c) determining, based on said geo-location of said mobile telecommunications terminal, whether to encode a first product of said command; and (d) determining, based on said geo-location of said mobile telecommunications terminal, whether to transmit to said mobile telecommunications terminal a second product of said command. (i.e. Once determined, recommended services may then be visibly (or audibly) outputted to the user for selection thereof by user input, and such output may include information identifying the short-cut(s) for one or more or each of the recommended services.; Pg.8; 0094, Pg.16; 0220) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Smith including determining, based on said geo-location of said mobile telecommunications terminal, whether to encode a first product of said command in order to provide a system and method is disclosed to provide recommendations to a wireless device, based on stored commands.

IX. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Massy as applied to claims above and further in view of Sorvari et al. [US 20040043758].

As per claim 24, the above combinations teach all the particulars of the claim except determining, based on said geo-location of said mobile telecommunications terminal, whether to encode a first product of said command. However, Sorvari teaches in an analogous art, that the method of claim 23 wherein (ii) includes a product of said command when said command is

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transmitted from a first geo-location, and wherein (ii) excludes said product of said command when said command is transmitted from a second geo-location. (i.e. Once determined, recommended services may then be visibly (or audibly) outputted to the user for selection thereof by user input, and such output may include information identifying the short-cut(s) for one or more or each of the recommended services.; Pg.8; 0094, Pg.16; 0220)

As per claim 25, the above combinations teach all the particulars of the claim except determining, based on said geo-location of said mobile telecommunications terminal, whether to encode a first product of said command. However, Sorvari teaches in an analogous art, that the method of claim 23 wherein (ii) includes a product of said command when said command is transmitted from a first geo-location, and wherein (ii) includes an encoded version of said product of said command when said command is transmitted from a second geo-location. (i.e. Once determined, recommended services may then be visibly (or audibly) outputted to the user for selection thereof by user input, and such output may include information identifying the short-cut(s) for one or more or each of the recommended services.; Pg.8; 0094, Pg.16; 0220)

X. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Massy as applied to claims above and further in view of Elsey.

As per claim 29, the above combinations teach all the particulars of the claim except perimeter is based on the nature of said command. However, Elsey teaches in an analogous art, that the method of claim 28 wherein said perimeter is based on a nature of said command. (i.e. If

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there is only one such file, processor 301 automatically requests the directions file from directions server 145. If there is more than one as the user may have requested directions for different routes, processor 301 queries the user for the <route_id> file extension of the desired file previously provided to him/her by the operator.; Col.10; 1-32)

As per claim 30, the above combinations teach all the particulars of the claim except perimeter is based on the argument of said command. However, Elsey teaches in an analogous art, that method of claim 28 wherein said perimeter is based on an argument of said command. (i.e. If there is only one such file, processor 301 automatically requests the directions file from directions server 145. If there is more than one as the user may have requested directions for different routes, processor 301 queries the user for the <route_id> file extension of the desired file previously provided to him/her by the operator.; Col.10; 1-32)

XI. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Massy as applied to claims above and further Drutman.

As per claim 35, the above combinations teach all the particulars of the claim except transmitting a signal directed to another telecommunications terminal. However, Drutman teaches in an analogous art, that the method of claim 28 wherein said command comprises transmitting a signal directed to another telecommunications terminal. (i.e. First and second locations 100 and 200 are preferably determined by GPS transceivers within the mobile communications devices.; Col.6; 26-42)

XII. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Parupudi et al. [US 20040043758].

As per claim 56, Smith teaches all the particulars of the claim except changing a setting of said mobile telecommunications terminal. However, Parupudi teaches in an analogous art, that the method of claim 48 wherein said command comprises changing a setting of said mobile telecommunications terminal. (i.e. the cell phone enters different locations, it determines its location and then modifies its behavior in accordance with behaviors that are acceptable for that location. Alternately, the cell phone can simply receive information that is then used to adjust the cell phone's settings; Pg.15; 0163-0164) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Smith including changing a setting of said mobile telecommunications terminal in order to modify one or more cellular phone behaviors based on its location.

XIII. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Dowling [US 20040043758].

As per claim 57, Smith teaches all the particulars of the claim except changing a setting of said mobile telecommunications terminal. However, Dowling teaches in an analogous art, that the method of claim 48 wherein said command comprises capturing at least one of an image and an acoustic signal. (Pg.13; 0100) Therefore, it would have been obvious to one of ordinary skill

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in the art at the time of invention to modify Smith including changing a setting of said mobile telecommunications terminal in order to provide a methods and systems that allow mobile devices to wirelessly contract for products and services that can result in a temporary expansion of mobile unit capabilities.

Response to Amendments & Arguments

XIV. ***Applicant's arguments filed on 5/16/2006 have been fully considered but they are not persuasive.***

Concerning Claim 1:

In response to Applicant's argument that Smith doesn't teach, "Determining whether to execute said command based on said geo-location of said mobile telecommunications terminal." it is noted that Smith supports the assertion as, in Step S4 (Fig.6), ***based upon this received information***, it is determined that a wireless mobile unit 410 has entered a region including a site associated with a category of ***information desired to be retrieved*** by the user of the wireless mobile unit 410 (a registered category associated with the wireless mobile unit 410). (Please perceive Col.7; 44-Col.8; 4) Hence, it is believed that ***Smith still teaches the claimed limitations.***

The above arguments also recites for the claim 1, consequently the response is the same explanation as set forth above with regard to claim 1.

Because claims 2-4, 7-11 depend on claim 1, consequently the response is the same explanation as set forth above with regard to claim 1.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Concerning Claim 14:

In response to Applicant's argument that Smith doesn't teach, "Determining a version of said content to transmit to said mobile telecommunications terminal based on said geo-location of said mobile telecommunications terminal." it is noted that Smith supports the assertion as, in Step S4 (Fig.6), ***based upon this received information***, it is determined that a wireless mobile unit 410 has entered a region including a site associated with a category of ***information desired to be retrieved*** by the user of the wireless mobile unit 410 (a registered category associated with the wireless mobile unit 410). (Please perceive Col.7; 44-Col.8; 4) Hence, it is believed that ***Smith still teaches the claimed limitations.***

The above arguments also recites for the claims 36, 58, consequently the response is the same explanation as set forth above with regard to claim 14.

Because claims 15-22, 37-48, 51-55, 59-63 depend on claims 36 & 58, consequently the response is the same explanation as set forth above with regard to claims 36 & 58.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Concerning Claim 23:

In response to Applicant's argument that Massy doesn't teach, "Receiving a response to said command that indicates whether said command was executed or refused; wherein whether

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said command was executed or refused based on said geo-location of said mobile telecommunications terminal.” it is noted that Massy supports the assertion as, The mobile telephone preferably has the option, if the server sends it *a recognized command, to accept or refuse execution of the command.* (Please perceive Pg.3; 0028) Hence, it is believed that Massy *still teaches the claimed limitations.*

Because claims 26-28, 31-34 depend on claim 23, consequently the response is the same explanation as set forth above with regard to claim 23.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Moreover, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., delete record or an edited version of video clip) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

XV. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2617


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SUPERVISORY PATENT EXAMINER